

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

LASHAWNA LANE-MURRAY, as)	
Independent Administrator)	
of the Estate of SYDNI MURRAY,)	
deceased,)	
)	
Plaintiff,)	
)	
v.)	NO: 1:17-CV-08474
)	
THE UNITED STATES &)	
JIMMY PAYTON,)	
)	
Defendants.)	

NOTICE OF FILING

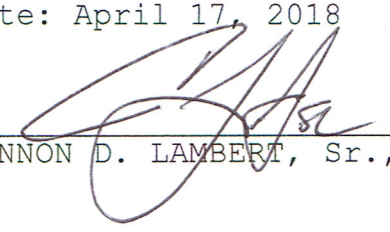
On April 17, 2018, I shall file the attached: **PLAINTIFF'S ANSWERS TO DEFENDANT, THE UNITED STATES', AFFIRMATIVE DEFENSES**, in the United States District Court for the Northern District of Illinois, Eastern Division.

Name: KARCHMAR & LAMBERT, P.C.	Attorney for Plaintiff
ADDRESS: 211 W. Wacker, Ste. 1400	Chicago IL 60606
TELEPHONE: (312) 977-1300	

PROOF OF SERVICE BY MAIL

I, the undersigned, certify that I served this notice by mailing a copy to the above-named party(ies) at the above-stated address(es) and depositing the same in the U.S. Mail at 211 W. Wacker Chicago IL. at or before 5:00 p.m. on April 17, 2018, with proper postage prepaid.

Date: April 17, 2018


CANNON D. LAMBERT, Sr., Esq.

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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
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LASHAWNA LANE-MURRAY, as)	
Independent Administrator)	
of the Estate of SYDNI MURRAY,)	
deceased,)	
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Plaintiff,)	
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v.)	NO: 1:17-CV-08474
)	
JIMMY PAYTON & THE UNITED)	
STATES OF AMERICA,)	
)	
Defendants.)	

**PLAINTIFF'S ANSWER TO DEFENDANT,
UNITED STATES OF AMERICA'S, AFFIRMATIVE DEFENSES**

Now comes the Plaintiff, by and through her attorneys,
Karchmar & Lambert, P.C., and in answer to Defendant's
affirmative defenses states as follows:

1. The damages Lane-Murray alleges were not caused or contributed to by any action or inaction of the United States and/or its agents, servants and employees.

ANSWER: Plaintiff denies all of the allegations contained in Defendant, United States', first affirmative defense.

2. Sydni Murray's own negligence contributed in whole or in part to the damages Lane-Murray alleges, and the Illinois law on contributory fault, 735 ILCS 5/2-116, applies to eliminate or reduce any recovery against the United States.

ANSWER: Plaintiff denies all of the allegations contained in Defendant, United States', second affirmative defense.

3. Lane-Murray is limited to a judgment, if any, in an amount not to exceed the amount of the administrative tort claim he [sic] filed with the Postal Service. 28 U.S.C. § 2675.

ANSWER: Plaintiff admits that certain statutes apply in this cause and that 28 U.S.C. 2675 may be one of those statutes. Beyond the same, Plaintiff neither admits or denies the remaining allegations in Defendant's third affirmative defense but demands strict proof of all such allegations and their applicability.

4. Co-defendant's negligence contributed in whole or in part to the damages Lane-Murray alleges, and the Illinois law on contribution, 740 ILCS 10/2, applies to eliminate or reduce any recovery against the United States.

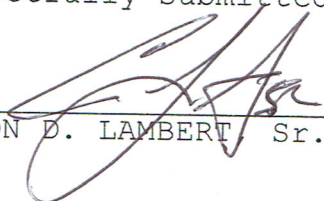
ANSWER: Plaintiff admits that certain statutes apply in this cause and that 28 U.S.C. 2675 may be one of those statutes. Beyond the same, Plaintiff neither admits or denies the remaining allegations in Defendant's third affirmative defense but demands strict proof of all such allegations and their applicability. Plaintiff further answers that in no instance does any alleged contribution on behalf of Defendant, Jimmy Payton, relieve the United States from liability to Plaintiff or eliminate or reduce any recovery Plaintiff is entitled to from the United States.

5. Answer the specific allegations of the complaint, the United States, admits, denies or otherwise avers as follows:

ANSWER: Defendant, United States', answers, denials and other responses to paragraphs 1-17 and 41-57 of Plaintiff's 1st Amended Complaint are not affirmative defenses. As such Plaintiff's answers to Defendant, United State's, answers, denials and other responses to said paragraphs are the allegations set forth in Plaintiff's 1st Amended Complaint at Law.

Wherefore, Plaintiff prays for judgement in her favor and against Defendants, plus attorneys fees and costs.

Respectfully submitted:


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PROOF OF SERVICE
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ATTORNEY FOR THE UNITED STATES OF AMERICA:

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PRO SE DEFENDANT

Mr. Jimmy Payton

IMATE # Y24773

Illinois Dept. Of Corrections


Vienna Correctional Center

6695 St. Route Highway

146 East

Vienna IL. 62995

Call-in phone # 618-658-8371 ext. 480

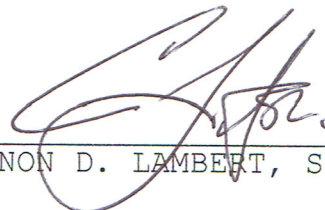

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CERTIFICATE OF SERVICE

The undersigned, being first duly sworn upon oath, deposes and states that s/he served a copy of the foregoing **PLAINTIFF'S ANSWERS TO DEFENDANT, THE UNITED STATES', AFFIRMATIVE DEFENSES** upon the attorneys and parties of record by placing a true and correct copy of same in the U.S. Mail depository located at 211 W. Wacker, Suite 1400, Chicago, Il., 60606 at or before 5:00 pm. on this **17th day of April, 2018**, with Proper postage prepaid and addressed to:

**ALL PARTIES LISTED ON "SERVICE LIST" THAT
IMMEDIATELY PRECEDED THIS DOCUMENT.**


CANNON D. LAMBERT, Sr., Esq.

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